

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

April 26, 2024

LETTER TO DEFENSE COUNSEL

Re: *United States of America v. Jacky Lynn McComber*
Criminal No.: ELH-21-0036

Dear Counsel:

I am in the process of reviewing your recent sentencing submissions. ECF 433, ECF 435. These two submissions exceed 900 pages.

As you may recall, by email to counsel on January 16, 2024, I made note of the fact that in your submissions at ECF 359 and ECF 408, “the defense references evidence by identifying the day of the trial, without the corresponding ECF number Going forward, I would appreciate it if you would be sure to include the ECF number when there is one.” In response, via email that date, Ms. Richman wrote: “We will also be sure to cite the docket number for trial transcripts moving forward.” A copy of the email exchange is appended.

Nevertheless, in my review of ECF 435, I found several instances where the defense references trial transcripts without an ECF number or even the date of the testimony. *See, e.g.*, ECF 435 at 8 n.3; *id. at* 37; *id. at* 41 n.15; *id. at* 64, *id. at* 68. To illustrate, the defense uses cites such as “Day 12 Trial Tran: 9:17-20.” *See* ECF 435 at 64. This cite does not provide an ECF number, which is the easiest way to locate the entry. Nor does it even include the date of the trial testimony.

I recognize that the defense exhibits include excerpts of the trial transcripts. But, I sometimes want to review more than what has been provided. And, the headers on the exhibits, which contain the original ECF numbers, are generally obscured by the new docket number entries, which are superimposed on the original entries. Therefore, I cannot readily glean the ECF numbers from the exhibits. So, I must rely on the docket entries.

This case has hundreds of docket entries. Sixteen trial transcripts were filed months after the trial, each with its own ECF number. However, the docket entries for the trial transcripts do not specify the particular day of trial, although they do indicate the date of the testimony.

Notably, there is some confusion in the designation of trial days. *See* ECF 429 at 6 n.6. In my view, “Day 1” is actually the date of jury selection on January 19, 2023. *See* ECF 247;

ECF 429 at 6 n.6. Yet, the cover page of the trial transcript for January 23, 2023, prepared by the court reporter, identifies that date as Day 1. *See* ECF 292 at 1. So, it is not clear to me what you mean when you refer, for example, to “Day 12.”

In sum, it is time consuming to have to locate the transcript that corresponds to a trial day. It is for this reason that I am bringing the matter to your attention, with the renewed request to include references to ECF numbers in any further submissions.

Very truly yours,

/s/

Ellen L. Hollander
United States District Judge

Enclosure

cc: Jefferson Gray, Esquire
Assistant United States Attorney